



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

DEPARTMENT OF CORRECTIONS

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Part	Section	Subject	Policy No.	Review Date
Institutional Operations	Inmate Rights	Inmate/Detainee Access to Counsel, Law Library, and Court	3.5.1	
ACA Standards	3-ALDF: 3E-01 Inmate Access to Court, 3E-03 Inmate Access to Law Library, and 3E-02 Access to Counsel			
Consent Decree	Paragraph 54 Develop Facility Policies and Procedures			

I. PURPOSE

To establish procedures in providing inmates/detainees access to counsel, law library and court to help them with criminal, civil, and administrative legal matters.

II. POLICY

The Department of Corrections (DOC) recognizes the importance of the inmate's/detainee's rights to have access to counsel, law library, and court, in preparation for legal proceedings. Inmates/detainees who are undergoing legal proceedings will be given priority access to the law library.

III. PROCEDURES

Inmates and Detainees confined in the DOC will have access to the court, counsel, and to legal resources to enable them to pursue necessary legal matters with respect to their rights. To ensure that inmate's/detainee's rights are not violated, DOC staff will adhere to the following:

A. Access Counsel

1. Unrestricted and uncensored correspondence with attorneys and attorney representatives.
2. Visit with attorneys and/or attorney representatives during normal facility hours and after normal hours due to special circumstances.
3. Access to counsel by unmonitored telephone calls.

4. Inmates/Detainees may discuss legal matters privately with attorneys or his/her visiting staff. Inmate/Detainee may decline attorneys request for visits.
5. The visiting officer will observe the conduct of the visit without eaves-dropping or recording of the discussions.
6. Correspondence will be permitted between inmates/detainees and their counsel, when properly identified as such, without any review by officers other than cursory inspection for any contraband and/or weapons.


B. Access to Legal Materials

1. Access to available in-house legal materials.
2. Based on availability, inmates/detainees will be scheduled to use on-line legal research in the facility library. The program officer will schedule time and dates for usage. All on-line time will be logged in the library logbook. The use of computer will be strictly limited to research of legal matters – no exceptions. It must be strictly monitored.
3. Inmates/detainees will be provided access to paper, typewriters or typing service, and other supplies and services related to legal matters.
4. Legal material of a personal nature may be kept by the inmate/detainee in their storage bin, subject to reasonable limitations on volume relating to safety and security.

C. Access to Courts

1. Inmates/detainees will have access to the courts to present any issue, including the following:
 - a. Challenging the legality of their conviction or confinement.
 - b. Seeking redress for illegal conditions or treatment while under correctional control.
 - c. Pursuing remedies in connection with civil legal problems.
 - d. Asserting against correctional or government authority and/or any other rights protected by constitutional or statutory provision or common law.
 - e. Inmates/detainees seeking judicial relief are not subject to reprisals or penalties because of the decision to seek such relief.

Prepared By:


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12/11/07

Date


Reviewed By:


Gregory F. Castro
Director of Corrections

12/11/07

Date

Approved By:


Lino S. Tenorio
Commissioner of Corrections

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